



United States Department of State

Washington, D.C. 20520

July 13, 2021

Camille J. Mackler
Immigrant Advocates Response Collaborative
150 State Street, 4th Floor
Albany, NY 12207

Email: cmackler@immigrantarc.org

Dear Ms. Mackler:

Thank you for your letter of June 23, 2021, concerning Freedom of Information Act (“FOIA”) request number F-2021-00113, in which you note that the Department of State has not yet responded to your request.

Your FOIA request is not subject to administrative appeal at this time, since no specific material has been denied in response to the request. Section (a)(6)(C) of the FOIA provides that a requester shall be deemed to have exhausted his administrative remedies if an agency fails to respond within the applicable time limit specified in the paragraph, which is 20 days (with certain exceptions). The requester, therefore, would not be required to appeal administratively before instituting suit in federal court. This provision does not, however, provide a basis for an administrative appeal of a request that is still being processed. Moreover, the lack of a substantive response to date is not the same as a response indicating that no documents were found.

I have confirmed that your request is being processed. We have begun the search for responsive records. The Department receives thousands of FOIA and Privacy Act requests each year and yours will be processed in turn. I have sent a copy of your letter to the office that has been assigned responsibility for processing your request. If you need further assistance, please contact the FOIA Requester Service Center at (202) 261-8484 or FOIAstatus@state.gov.

Sincerely,

/s/

Lori Hartmann
Appeals Officer
Office of Information Programs and Services

EXHIBIT K